

Senate Bill No. 1654

CHAPTER 156

An act to amend Section 3009 of the Elections Code, relating to voting.

[Approved by Governor August 23, 2006. Filed with
Secretary of State August 23, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1654, Ortiz. Voting: absentee ballot.

Existing law authorizes eligible voters to vote by absentee ballot and authorizes a county elections official to deliver an absentee ballot to the absent voter's spouse or parent.

This bill would additionally authorize delivery of an absentee ballot to the absentee voter's child, parent, grandparent, grandchild, or sibling, or a person residing in the same household as the absent voter, who is 16 years of age or older.

The people of the State of California do enact as follows:

SECTION 1. Section 3009 of the Elections Code is amended to read:

3009. (a) Upon receipt of any absentee ballot application signed by the voter that arrives within the proper time, the elections official should determine if the signature and residence address on the ballot application appear to be the same as that on the original affidavit of registration. The elections official may make this signature check upon receiving the voted ballot, but the signature must be compared before the absent voter ballot is canvassed.

(b) If the elections official deems the applicant entitled to an absent voter's ballot he or she shall deliver by mail or in person the appropriate ballot. The ballot may be delivered to the applicant, his or her spouse, child, parent, grandparent, grandchild, or sibling, or a person residing in the same household as the absent voter, except that in no case shall the ballot be delivered to an individual under 16 years of age. The elections official shall deliver the absentee ballot to the applicant's spouse, child, parent, grandparent, grandchild, or sibling, or a person residing in the same household as the absent voter only if that person signs a statement attested to under penalty of perjury that provides the name of the applicant and his or her relationship to the applicant, and affirms that he or she is 16 years of age or older, and is authorized by the applicant to deliver the absentee ballot.

(c) If the elections official determines that an application does not contain all of the information prescribed in Section 3001 or 3006, or for

any other reason is defective, and the elections official is able to ascertain the voter's address, the elections official shall, within one working day of receiving the application, mail the voter an absent voter's ballot together with a notice. The notice shall inform the voter that the voter's absent voter's ballot shall not be counted unless the applicant provides the elections official with the missing information or corrects the defects prior to, or at the time of, receipt of the voter's executed absent voter's ballot. The notice shall specifically inform the voter of the information that is required or the reason for the defects in the application, and shall state the procedure necessary to remedy the defective application.

If the voter substantially complies with the requirements contained in the elections official's notice, the voter's ballot shall be counted.

In determining from the records of registration if the signature and residence address on the application appear to be the same as that on the original affidavit of registration, the elections official or registrar of voters may use the duplicate file of affidavits of registered voters or the facsimiles of voter's signatures, provided that the method of preparing and displaying the facsimiles complies with law.